

REMARKS

Summary of Changes Made

The application was filed with 26 claims. Because certain of the intended amendments herein would require extensive and perhaps confusing mark-up of the claims, especially adding parenthesis around the numerals in several claims, we have presented new claims 27-52 which correspond to claims 1-26 as originally filed, respectively, and claims 1-26 are canceled herein. Accordingly, claims 27-52 (26 claims) remain pending in the application. No new matter is added by this amendment.

Claim Objections

Claims 1 and 12 were objected to due to the phrase “texture words one another in the.” Another objection was raised because the claims included reference characters not in parentheses. Claims 7 and 11-15 were objected to because they included numerical data. The original claims, 1-26 have been canceled, thus rendering the objections moot. The corresponding new claims, 27 and 38 for the first objection, and claims 33 and 37-41 have been rewritten so as to avoid the objections. It is believed this issue has been fully addressed and resolved.

Claim Rejections – 35 U.S.C. 112, second paragraph

Claims 2, 3, and 5-26 are rejected under 35 U.S.C. 112, second paragraph as indefinite. The phrase “i.e.” renders the claims indefinite. The Examiner will note that the original claims, 1-26 have been canceled, thus rendering the rejections moot. The corresponding new claims, 27 – 52 have been rewritten so as to avoid the rejections. With respect to the rejections of 7, and 11-15, and 8, 9, and 16-25, the corresponding new claims (34 and 37-41) and (34, 35, and 42-51), the indicated words (the nine texture words and austerity, transparency and gloss) are intended to be part of the claims.

Claims 7-26 were rejected hereunder as failing to define the invention, in particular, for having a narrative character. The Examiner will note that original claims 7-26 have been deleted, and replaced by claims 33-52, respectively, which are clear and written in traditional claim style, without narrative language.

It is believed that the presently added new claims 27-52 overcome all rejections under 35 U.S.C. 112, and withdrawal of the rejections is respectfully requested.

Claim Rejections – 35 U.S.C. 101

Claims 4-26 are rejected under 35 U.S.C. 101 as directed to non statutory subject matter as claim 4 recites a “texture map” which does not impart functionality to a computer.

The Examiner will note that claims 4-26 have been rewritten as new claims 30-52. Claims 27-29, 33-38, 42, 43, 47, and 48 (corresponding to original claims 1-3, 7-12, 16, 17, 20, and 21) have been presented as method claims, which are undoubtedly directed to statutory subject matter, and overcome the rejection.

With respect to the remaining claims, all directed to a texture map (claims 30-32, 39-41, 44-46, 49-52, Applicants are confused as to Examiner’s arbitrary declaration that the texture map is not statutory subject matter. Section 101 of Title 35, U.S. Code, provides “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof may obtain a patent therefor, subject to the conditions and requirements of this title.” The texture map is a physical, tangible, concrete article of manufacture that is useful for a variety of purposes, as adequately set forth in the specification. Indeed, the instant method claims involve use of the texture map.

In response to the quotation from the Interim Guidelines for Examination of Patent Applications for Patent Subject matter Eligibility, O.G. 22 Nov 2005, Annex IV, Applicants state that all claims herein relating to a texture map clearly set forth functional relationships of the various features of the claimed texture map. Claim 30, the broadest claim directed to the texture map, clearly sets forth spatial and functional interrelationships, in pertinent part: “a plurality of texture words that express makeup textures; the plurality of texture words classified into two characteristic types; the two characteristic types forming a texture word map including one characteristic type in the ordinate and the other characteristic type in the abscissa, the texture words correlated positionally with the ordinate and the abscissa; and a texture image map including overlapping individual images on the texture word map.”

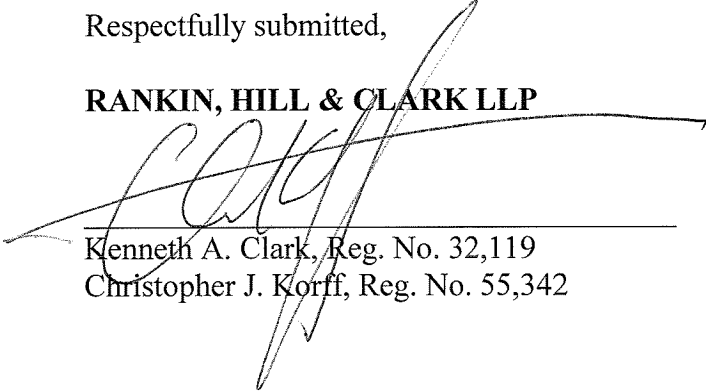
Applicants request a specific response to the arguments set forth hereinabove regarding the alleged lack of utility of the claimed texture map. Applicants respectfully request the withdrawal of the rejection under Section 101 as improvidently levied.

CONCLUSION

Based on the foregoing, the Applicants respectfully request entry of the instant amendment and a Notice of Allowability for claims 27-52. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. TAK-18149.

Respectfully submitted,

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